

ROYAL EDICT,

GIVEN AT VERSAILLES,

IN NOVEMBER, 1787.

FOR GRANTING

TOLERATION

THROUGHOUT HIS MOST CHRISTIAN

MAJESTY'S DOMINIONS,

TO

DISSENTERS FROM THE ESTABLISHED CHURCH.

Registered in Parliament, January 29, 1788.



L O N D O N:

Printed by J. P. COGHLAN, No. 37, Duke Street, near Grosvenor-Square, 1788.

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TO

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By the same hand, James

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Printed by J. P. Colverton, at the Press of the
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ROYAL EDICT,

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TOLERATION TO DISSENTERS.

Given at VERSAILLES in November, 1787.

Registered in Parliament, January 29, 1788.

LEWIS by the Grace of God, King of France and Navarre: To the present and all future Generations; Greeting. At the time when Lewis XIV. forbid under the severest penalties the public exercise of any religion, besides the Catholic, in all the countries and dominions subject to his government, the hope of bringing his people to the desirable unity of worship, strengthened by the delusive appearances of conversion, prevented that great King's following the plan established in his Councils, to fix and legally to determine the civil rights of such of his subjects as could not be admitted to the sacraments

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craments of the church. Following the example of our august predecessors, we shall always favour to the full extent of our power, the means of instruction and persuasion that may tend to unite all our subjects in the common profession of the ancient Faith of our kingdom, and we shall discountenance with unremitting attention, those acts of violence which are as inconsistent with the principles of reason and humanity, as they are contrary to the true spirit of Christianity. But while we wait for the blessing of Divine Providence on our endeavours to bring about this happy revolution, our justice and the interests of our people, will not suffer us any longer to deprive of their civil rights, such of our subjects or strangers residing in our dominions, as do not profess the Catholic religion. A long experience has shewn that rigour and severity are means ill calculated to effect their conversion. We must then no longer suffer our laws wantonly to punish the misfortune of their birth, by depriving them of rights which nature has never ceased to claim in their favour. Upon consideration it must appear
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that Protestants cut off from the rights of citizens, are unavoidably reduced to the wretched dilemma, either of profaning the sacraments by a feigned conversion, or of injuring their posterity, by contracting marriages, which are already declared to be null by the legislature of this country. The laws themselves have supposed that none but Catholic subjects existed in our dominions; and this fiction of law, now utterly inadmissible, has occasioned a forbearance of its execution, since if Dissenters from the established church in France are discovered, they must either be extirpated or restored to the common rights of citizens. Principles so incompatible with the peace and prosperity of our kingdom, would have multiplied the number of emigrants, or have sowed the seeds of civil rancour and discord in families, if we had not taken advantage of the liberality of our courts of law to disappoint the avarice of collateral relations, who contested the descents of property from parents to their children. Such a situation of affairs has long called for the exercise of our authority to put a stop to these dangerous con-

traditions between the rights of nature, and the provisions of the law. The importance of the decision required, that we should proceed with great deliberation in the discussion. We had already settled our resolution in Council, and it required some time to give it the form and stability of a law. But circumstances encouraged us to hope to derive the greatest advantages from our new law, and induced us to hasten the moment of its publication. If it is not in our power to prevent the existence of different sects in our dominions, we will never suffer them to perpetuate a line of division among our subjects. We have taken the most effectual measures to prevent illegal associations. The Catholic religion which we have the happiness to profess, shall alone in this kingdom enjoy all the rights and the honours of the public worship, while our dissenting subjects deprived of all political influence on the civil establishment, and declared for ever incapable of forming a Body Corporate in our kingdom, subject to the common law for the observation of festivals, shall derive from this regulation such advantages only,
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as the law of nature will no longer suffer us to withhold the legal establishment of their birth, their marriages, and their deaths, which will secure to them the rights enjoyed by our other subjects in the civil line. FOR THESE REASONS, and others moving us thereunto by the advice of our Council, and with our certain knowledge, full power and royal authority, we have declared, ordained and enacted, and by our present perpetual and irrevocable Edict, do declare, ordain, and enact as follows:

FIRST ARTICLE.

The Roman Catholic Apostolical Religion shall continue to direct the public worship, and the births, marriages, and deaths of such of our subjects as profess it, shall be authenticated by the rites and usages of the said religion.

However, our other subjects who profess a different religion, whether actually settled in our dominions, or coming with intention to settle there, shall enjoy all the rights and privileges which they claim from actual property, or the right of inheritance, and

and may exercise their commerce, arts, trades and professions, without the danger of being disturbed on account of their religion. From this general rule, we except only such places in the judicial line as are filled by us, or territorial Lords, or are considered as public offices in municipal places, and perform the functions of judicature, and the direction and duties of public instruction.

II.

By virtue of this regulation, our subjects or strangers residing in our kingdom, who are not Catholics, may contract marriages in the manner hereafter specified; and it is our will, that marriages thus contracted, shall have all the civil effects with regard to the contracting parties and their children, which are enjoyed by those who marry according to the form prescribed to our Catholic subjects.

III.

It is not, however, our intention that the Dissenters of any denomination should consider themselves as constituting a body, a com-

community, or a particular society within this realm, or that they should under this pretext make any demand in a collective body, appoint proctors, come to any resolution, make any acquisition, or perform any other act whatever. We expressly prohibit and forbid all judges, attornies, solicitors, and all other public officers to answer, receive or sign such demands, procurations, resolutions, or other acts, under pain of forfeiting their places, and we likewise forbid all our subjects to plead any power derived from such pretended communities or societies, under pain of being considered as abettors or protectors of illegal assemblies and associations, and being punished to the utmost rigour of the law.

IV.

Nor shall any persons pretending to be ministers or pastors of any other than the Catholic religion, assume that title in any deed, wear a different habit from others of the same religion, or pretend to any privilege or distinction, and we particularly forbid them to grant any certificate of marriage;
birth

birth or death, which we now declare to be null and of no effect, so that our judges can in no case pay any regard to them.

V.

We also lay our most serious injunctions on all our subjects and strangers residing, or travelling in our dominions, of whatever religion they may be, never to be wanting to the respect due to the Catholic religion and its holy ceremonies, as every public act or discourse contrary to this our intention, shall be punished with the same rigour, as the like offence would be in our Catholic subjects.

VI.

We command them to conform to the orders of our police in keeping holy Sundays and festivals commanded, on which days they shall neither traffic nor open their shops.

VII.

It is likewise our pleasure, that all persons of whatever quality or rank, they may be

be residing in our kingdom, and not professing the Catholic religion, be bound like our other subjects, and in proportion to their property and abilities to contribute to the construction, repairs, and support of parish churches, presbyteries, chapels, the lodgings of secular and religious priests employed in the celebration of the divine worship, and in general to all the charges to which our Catholic subjects may be bound.

VIII.

Such of our subjects or strangers settled in our kingdom for a proper time, who may not be Catholics, and who may chuse to enter into the marriage state, shall be obliged to cause their bans to be published at the place of the actual residence of each of the contracting parties, at the residence, which the said parties, or one of them has quitted six months before, if in the same diocese, or a year before if they have gone from one diocese to another, and if they are minors, the bans shall be published at the place where their fathers, mothers, guardians or trustees reside.

IX. The

IX.

The contracting parties shall be at liberty to cause the aforesaid publications to be made either by the curates or vicars of the places where they are to be made, or by the civil magistrate thereof, in the form and manner following.

X.

The said curates or vicars, or the persons who may be employed by the parties to that effect, shall publish the said bans at the door of the church, without mentioning the religion of the contracting parties; and if they have obtained a dispensation from one or two publications, they shall certify the same to the curates or vicars who shall mention this circumstance, and the said publications shall be affixed to the church door.

XI.

If any objection should be made to such marriage, it shall be stated to the curates or vicars, who shall mention it in the certificate they shall deliver to the parties in the usual form, for which, as well as for the said

TOLERATION TO DISSENTERS.

said publication, they shall be paid after such rates as shall be hereafter specified.

XII.

In case the parties do not chuse to address themselves to the said curates or vicars, or in case they should decline the duty, the bans shall be published on Sundays or Holidays, commanded after the parish mass by the clerk of the peace, in the presence of the judge of the place, or a person by him deputed; this shall be mentioned at the bottom of the writing which shall contain the names and quality of the parties, the date of the publication, and if it is the first, second and third; as likewise the dispensation, if any such shall have been granted. The whole shall be signed by the judge, or by the officer he shall appoint, and a legible copy of it shall be affixed to the outward door of the church.

XIII.

In the case of the preceding article, any opposition to the marriage shall be signified at the bar of the public office, in the pre-

sence of the person who published the bans, and the clerk of the peace shall mention the said opposition in the certificate of the publication of the bans to be delivered to the parties, under pain of loss of office, and of damages to be recovered by the said parties. Nor shall the opposition in any case whatever be removed by any authority, but that of our baillies and sheriffs, who shall decide summarily, leaving the right of appeal to our said courts.

XIV.

Nor shall the declarations of marriage, of which we shall hereafter treat, when not made in the presence of the curates or vicars, be admitted by any other judge than the first officer of the court of justice of the place, either royal or territorial, and whose jurisdiction shall extend to the residence of one of the parties, or by the person who may be appointed to act for him in his absence, under pain of being declared invalid and null.

XV. The

XV.

The first officer of our said courts may in the spirit of our laws, and within the precincts of our jurisdiction, grant dispensations to those who are not Catholics, from the publication of bans, with the same effect as the bishops are known to practise and profess, with regard to those who profess the said religion. The same judges are authorised to dispense with consanguinity beyond the third degree. The nearer degrees shall be dispensed with in our high court of chancery, but the deeds must be enrolled without cost in our said inferior courts.

XVI.

Where the said parties have had recourse to the curates or vicars for the publication of bans, or to the civil magistrate, they shall enter a declaration of their marriage before the one or the other, by producing certificates of the publication of the bans without opposition, the removal of any that may have been made, the expedition of the dispensations, if any, together with the consent of parents, guardians, and trustees, as
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is required of our Catholic subjects, and under the same penalties.

XVII.

To make this declaration, the contracting parties attended by four witnesses, shall go to the house of the curate or vicar of the place where one of the parties shall reside, or of the aforesaid judge, and shall there declare, that they have taken, and do take each other as man and wife, and that they promise fidelity to one another.

XVIII.

The said curate, vicar, or judges shall represent to the parties that they are legally united in indissoluble marriage, shall enter these declarations in the register kept for this purpose, shall mention the publication of bans, with or without opposition, the dispensations, if any, and the consent of parents, guardians or trustees; shall himself sign the whole, and cause it to be signed by the contracting parties, if able to sign, and by the witnesses.

XIX. If

XIX.

If the contracting parties should happen to reside in different parishes, they shall be at liberty to apply to such clergyman or judge as above described, in whose parish or jurisdiction one of the parties shall reside to receive their declaration; but such clergyman or judge shall not receive the said declaration, unless the consent of the curate or judge of the parish where the other party resides, be properly certified, and such consent which shall be authenticated by the judges, curates or vicars applied to, shall be inserted in the declaration of marriage.

XX.

The curates or vicars to whom the declaration of marriage shall be made, shall insert it in the common parish register; the judges in the registers herein after mentioned, and the whole of the above process shall be held under the penalties inflicted by the laws, edicts declarations and regulations as on our Catholic subjects.

XXI. As

XXI.

As to such conjugal unions as may have been contracted by our Dissenting subjects or strangers residing in our dominions, without conforming to the regulations prescribed, it is our will and intention, that by adopting the following dispositions in the space of one whole year from the date hereof, they shall obtain for themselves and their children, all the rights of a legal marriage from the date of their union, which they shall prove and declare the number, the age and the sex of their children.

XXII.

The said contracting parties shall appear personally, and accompanied by four witnesses before the curate or the royal judge, in whose jurisdiction they reside, and to them make a declaration of the marriage, which they shall be obliged to repeat in like manner before the curate or judge of the place which they quitted six months if in the same diocese ; or a year before, if in a different one.

XXIII. The

XXIII.

The said parties, if still minors, shall be farther obliged to produce in writing the consent of their parents, guardians or trustees, of which the curates or judges shall expressly make mention in an act declaratory of the marriage, and the said act shall be inserted in the same registers with newly contracted marriages, the whole under the penalties enacted by the above 20th article.

XXIV.

If any dispute should arise concerning marriages contracted and declared as aforesaid, the matter shall in the first instance be referred to our officers and sheriffs exclusively of all other judges, and an appeal shall lie to our Parliament and Supreme Council, reserving to ourselves the power of pronouncing on the civil effects of marriages contracted by our Dissenting subjects, and strangers residing in our kingdom, by persons since deceased.

XXV.

The birth of children of Dissenting subjects married in the manner prescribed by the

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present edict, shall be certified either by baptismal record, if they have been christened, or by a declaration made before the judge of the place, by the father and two resident witnesses, or in his absence by four witnesses like resident, that they are deputed by the mother to declare that the child was born, was baptized, and received a name.

But if the child should be born of parents whose religious persuasion does not admit the necessity of baptism, it shall in this case be necessary only to declare the birth of the child, the fest in which it was born, and to prove that the parents were married according to the form prescribed by this edict.

XXVI.

The said declaration shall be inserted in the register kept for that purpose, subscribed by the father, if present, and he can write, also by the witnesses and judge; and all other formalities shall be observed, which are practised at the baptism of our Catholic subjects, under pain of being declared null and of no effect.

XXV.

When the children of Dissenting subjects married in the manner prescribed by the present

TOLERATION TO DISSENTERS. 19

XXVII.

When any one of our subjects or strangers residing or travelling in our kingdom dies, who cannot be interred in consecrated ground, the Provost of the Merchants, Mayors, Aldermen, Capitols, or other Magistrates of towns, boroughs and villages, shall appoint a proper and decent spot of ground in such places for the interment: and we command our proctors and solicitors on the spot, to take care that the ground appointed for this purpose, be secured from the danger of insult, as are the places appointed for the burial of our Catholic subjects.

XXVIII.

The death of the person shall be announced by two of his nearest relations and neighbours, and in default of such by our proctors, or the agent in the Lords Court in whose manor he died, who shall be attended by two witnesses; such declaration may be made either to the curate or vicar of the parish, or to the judge, who shall be bound to admit and register it,

to wit, the curates or vicars in the common register of burials, and the judge in a register to be kept for this purpose, of which we take farther notice hereafter. This declaration shall be signed by the person who received it, by the relations or neighbours who made it, and in default of them by our proctor, or the Lords and two witnesses who attested it.

XXIX.

Though the relations or neighbours of the deceased should chuse to insert the declaration of his death in the parish register, still they shall be obliged to announce it to the judge of the place, who shall appoint a deputy to attend the burial, if he does not himself assist at it, and at all events the declaration of the death shall be signed by the commissary or officer of justice who was present at the interment.

XXX.

The bodies of persons to whom religious burial is denied, shall not be exposed at the doors of the houses, as practised in families
of

of the Catholic religion. The relations and friends of the deceased may accompany the funeral convoy, but shall neither sing nor pray aloud, and we expressly forbid all our subjects to give the least trouble, offence, or interruption on these occasions, as the transgressors shall be prosecuted as disturbers of the public peace.

XXXI.

For the execution of our present edict, the chief court of justice in our towns, boroughs and villages competent to receive the declarations above prescribed, shall keep two registers, one of stamp paper, where such is in use, the other of common paper, in order to insert therein the said declarations, and a copy of them shall be delivered by the proper officer to such as demand it, as is prescribed with regard to the register of baptisms, marriages and burials, by the curates or vicars of parishes. Such paper shall be furnished by the inhabitants at large of the said towns, boroughs and villages.

XXXII. AN

XXXII.

All the leaves of said registers shall be numbered and endorsed from first to last, by the first judge of the said courts, without fee or reward; shall be deposited in the office of said courts, and the proper officer bound to produce them on demand. The declaration of births, marriages and burials mentioned in this edict, and in the manner therein specified, shall be inserted in order of time, without any blank interstice; and at the end of every year, the said registers shall be closed and signed by the judge, and the remaining blank leaves shall by him be closed.

XXXIII.

One of the said registers shall within six weeks from the end of each year, be deposited in the office of the Sheriff's court, and when they are held in courts immediately subordinate to our supreme judicature, a copy thereof shall be transmitted by our solicitors to the solicitor general of the court on which they depend, who shall lodge the same in the office of the said court, and those who are desirous of having extracts of registers,

registers, shall address themselves to the proper officer of the court where they have been deposited.

XXXIV.

The officers of the said courts shall keep a register properly bound and endorsed from one end to the other, by the first officer, in order to register in regular order, and without interstice the dispensation either as to consanguinity or the publication of bans granted by such officer, as well as those which have been expedited in our high court of chancery, and addressed to the said judges. This register may serve for more than one year, but at the end of each, or on the first of January of the ensuing year at latest, it shall be closed and signed by the said judge.

XXXV.

The parties by whom such dispensations have been obtained, shall within three days at farthest, enter up the same on record in the office appointed by the court of justice for that purpose, and shall pay to the officer thereof ten pence: nothing more shall be paid

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paid into the exchequer for the declarations of births, marriages or deaths, for extracts to be delivered, for publication of bans or posting up or certifying them; as we do hereby expressly dispense with our subjects or others, who may make such declarations, or receive such certificates.

XXXVI.

Neither the said curates or vicars, nor the officers of justice shall receive more for the same acts than is specified in the annexed tarif.

XXXVII.

But it is not our intention to derogate by the present edict from the concessions made by us or our predecessors to the Lutherans settled in Alsace, or from others granted to any of our subjects who may have been indulged in the exercise of a religion different from the Catholic, in any province or city of our kingdom, but they shall continue to conform to the regulations formerly established. We therefore command our well-beloved counsellors of our Parliaments of
Paris

Paris to enregister this our edict, and watch over the observance and execution thereof, any thing whatever notwithstanding: FOR SUCH IS OUR PLEASURE. And to give stability and permanency to it, we have hereunto put our seal. Given at Versailles in the month of November, 1787, and the 14th of our Reign,

(Signed) L E W I S.

BARON DE BRETEUIL.

TABLE of FEES to be paid by DISSENTERS,

	<i>Liv.</i>	<i>Sol.</i>	<i>Dens.</i>
To the curate or vicar for the publication of bans, whether one, two or three, including the certificate and the consent - - - - -	3	0	0
For the declaration of marriage - - - - -	1	10	0
For that of deaths - - - - -	0	10	0
For each extract of marriage, death, as also for all extracts of baptism, marriage or burial of Catholics, as heretofore.			

To OFFICERS of JUSTICE.

To the officer who shall assist at the publication of bans - - - - -	2	0	0
To the clerk for the certificate and posting - - - - -	1	10	0
To the judge for authenticating certificates, if required - - - - -	1	0	0

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To

	L.	S.	D.
To the same for commission, if any	2	0	0
To the clerk for expediting	1	0	0
For declaration of marriage	3	0	0
For that of birth	1	0	0
Of death	1	0	0
For dispensation from publishing bans,			
To the first officer	1	10	0
To the clerk for expediting ditto	0	15	0
To the judge for dispensation from			
consanguinity	3	0	0
To the clerk for expediting ditto	1	10	0
If any farther proceeding be necessary,			
the fees as usual.			

TO OFFICERS OF INFERIOR COURTS.

For dispensation from the publication of bans, whether one, two or three			
To the judge	2	0	0
To the clerk for posting and certifying	1	10	0
For Commission, if any,			
To the judge	1	0	0
To the clerk for expediting	0	10	0

For the Declaration of Marriage.

To the judge	2	0	0
For that of birth	0	15	0
Of death	0	15	0
For further proceedings or writings	0	10	0